



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART V

ACQUISITION AND APPROPRIATION OF LAND AND PROVISIONS RELATED THERETO

Expedited completion of compulsory acquisition

76 Special provisions as to certain tenancies

- (1) The tenancies to which this section applies are minor tenancies and long tenancies which are about to expire.
- (2) Notwithstanding anything in subsection (2) of the last preceding section, no notice to treat shall by virtue of that subsection be taken to have been served on any person in respect of a tenancy to which this section applies.
- (3) Land in which there subsists a tenancy to which this section applies is excepted from paragraph (a) of sub-section (5) of the last preceding section, and the reference in that paragraph to land excepted from that paragraph by this section shall be construed accordingly.
- (4) Where any land in an area designated by a declaration under subsection (3) of the last preceding section is land in which a minor tenancy is subsisting, then (without prejudice to any power, exercisable by virtue of the Lands Clauses Acts, to require a tenant to give up possession) the right of entry conferred by subsection (6) of that section shall not be exercisable in respect of that land, and the vesting of the land in the acquiring authority by virtue of that subsection shall be subject to the tenancy during its subsistence.
- (5) Where any land in an area designated by a declaration under subsection (3) of the last preceding section is land in which a long tenancy which is about to expire is subsisting—
 - (a) the right of entry conferred by subsection (6) of the last preceding section shall not be exercisable in respect of that land unless the acquiring authority have served a notice to treat in respect of the tenancy and have thereafter served

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upon every occupier of any of the land in which the tenancy subsists a notice, stating that, at the end of such period as may be specified in that notice (not being less than fourteen days) from the date on which the notice is served, they intend to enter upon and take possession of such land as may be specified in that notice, and the period specified in the last-mentioned notice has expired, and

- (b) the vesting of the land in the acquiring authority shall be subject to the tenancy until the end of the period specified in the last-mentioned notice, or the cesser of the tenancy, whichever first occurs.
- (6) In this section “minor tenancy” means a tenancy for a year or from year to year or any lesser interest.
- (7) In this section “long tenancy which is about to expire ” means a tenancy granted for an interest greater than a minor tenancy, but having at the relevant date a period still to run which is not more than the specified period (that is to say, such period, longer than one year, as may for the purposes of this subsection be specified in the order in relation to the land in which the tenancy subsists); and in determining for the purposes of this subsection what period a tenancy still has to run at the relevant date it shall be assumed—
- (a) that the tenant will exercise any option to renew the tenancy, and will not exercise any option to terminate the tenancy, then or thereafter available to him, and
 - (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to him.